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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/041,979	03/13/98	YAVATKAR	R 42390.P4264

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TM11/1012

EXAMINER

YAO, K

ART UNIT


PAPER NUMBER

2664

DATE MAILED: 10/12/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>09/041,979</b>	Applicant(s) <b>Yavatkar et al.</b>	
	Examiner <b>Kwang B. Yao</b>	Group Art Unit <b>2664</b>	

☒ Responsive to communication(s) filed on Mar 13, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claim

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-28 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2664

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Drake, Jr. et al. (US 5,461,611).

Drake, Jr. et al. disclose a management system in Fig. 1 comprising the following features:

QoS requestor manager 12 and QoS protocol machine for implementing a multi-media call application that effectuate QoS management for a packet based multimedia call associated with each stream ID; the QoS requestor for determining if a QoS allocator 20 that manages network bandwidth is connected to LAN 17; QoS allocator 20 for registering the requested multimedia call and reserving with the bandwidth for subsequent allocation to multimedia data streams. See column 4-8.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2664

Fichou et al. (US 6,072,773) disclose a flow control for very bursty connections.

Bertin et al. (US 5,940,372) disclose a method for selecting path.

Baughner et al. (US 5,713,043) disclose a method in data processing system.

Lebrun et al. (US 5,548,579) disclose a system for effective allocation of network wide bandwidth.

Francois et al. (US 5,479,404) disclose a system for network wide bandwidth allocation.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is (703) 308-7583. The examiner can normally be reached on Monday through Friday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Application/Control Number: 09/041,979

Page 4

Art Unit: 2664

**or faxed to:**

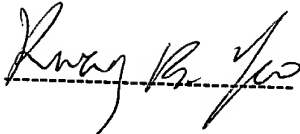
(703) 305-9051, (for formal communications intended for entry)

**Or:**

(703) 305-3988 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

A handwritten signature in cursive script, appearing to read 'Kwang B. Yao', is written over a horizontal dashed line.

Kwang B. Yao

Oct. 6, 2000